

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NATIONAL RETAIL SYSTEMS, INC. ET AL.	:	
	:	CIVIL ACTION
v.	:	
	:	NO. 17-672
MARKEL INSURANCE COMPANY	:	

ORDER

AND NOW, this 27th day of January 2023, upon consideration of Defendant's Motion for Partial Summary Judgment (ECF No. 99), Plaintiffs' opposition thereto (ECF No. 104), Plaintiffs' Motion for Leave to File a Sur-Reply (ECF No. 108), and Defendant's opposition thereto (ECF No. 109), and all documents submitted in support thereof and in opposition thereto, it is **ORDERED** that as follows:

1. Defendant's Motion for Partial Summary Judgment is **GRANTED in part and DENIED in part** as follows:
 - a. The Motion is **DENIED** as to Defendant's request that the actual cash value of the trailers be determined by the broad evidence rule. The appropriate standard for determining the actual cash value in this case is market value.
 - b. The Motion is **GRANTED** as to Defendant's request that the actual cash value of the trailers be determined at the time of loss.
2. Plaintiffs' Motion for Leave to File a Sur-Reply is **DENIED**.

IT IS SO ORDERED.

BY THE COURT:

/s/ R. Barclay Surrick
R. BARCLAY SURRICK, J.